

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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In re:

BRIAN L. STOCKFORD,  
  
Debtor.

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Case No. DK 16-00191  
Chapter 13  
Hon. Scott W. Dales

In re:

DAVID R. WIRICK,  
  
Debtor.

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Case No. DK 16-00867  
Chapter 13  
Hon. Scott W. Dales

In re:

YOLANDA DENISE STEVENSON,  
  
Debtor.

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Case No. DK 16-00868  
Chapter 13  
Hon. Scott W. Dales

In re:

WILLIAM E. WILGUS and MARCELLA K.  
WILGUS,  
  
Debtors.

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Case No. DK 16-00869  
Chapter 13  
Hon. Scott W. Dales

In re:

MOLLY K. DIEKHOFF,  
  
Debtor.

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Case No. DG 16-02012  
Chapter 13  
Hon. Scott W. Dales

In re:

RANDOLPH S. SHERWOOD and  
ANGELA M. SHERWOOD,  
  
Debtors.

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Case No. DG 16-02059  
Chapter 13  
Hon. Scott W. Dales

In re:

DAVID E. COSSOU and PAULA S.  
COSSOU,

Debtors.

Case No. DG 16-04484  
Chapter 13  
Hon. Scott W. Dales

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In re:

WILLIAM R. BELONGA,

Debtor.

Case No. DM 16-90080  
Chapter 13  
Hon. Scott W. Dales

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In re:

LARRY J. VINCENT and MARLENE R.  
VINCENT,

Debtors.

Case No. DG 17-00198  
Chapter 13  
Hon. Scott W. Dales

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In re:

MATTHEW J. BAUER and MARCIA J.  
BAUER,

Debtors.

Case No. DK 17-00357  
Chapter 13  
Hon. Scott W. Dales

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In re:

DEANGELO R. BAYLOCK,

Debtor.

Case No. DK 17-02244  
Chapter 13  
Hon. Scott W. Dales

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In re:

COREY M. NORD,

Debtor.

Case No. DK 17-02245  
Chapter 13  
Hon. Scott W. Dales

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In re:

CECIL H. MORRIS,

Debtor.

Case No. GK 16-00221  
Chapter 13  
Hon. John T. Gregg

In re:

NATALIE J. VITERNA,

Debtor.

Case No. GG 16-01041

Chapter 13

Hon. John T. Gregg

In re:

KENNETH P. CILLEY and ANN M. CILLEY,

Debtors.

Case No. GK 16-01352

Chapter 13

Hon. John T. Gregg

In re:

LARRY BROOKS,

Debtor.

Case No. GK 16-01555

Chapter 13

Hon. John T. Gregg

In re:

SHAUN R. JOHNSON,

Debtor.

Case No. GL 16-01556

Chapter 13

Hon. John T. Gregg

In re:

PENNY DRUISE SICARD,

Debtor.

Case No. GK 16-01673

Chapter 13

Hon. John T. Gregg

In re:

DIANA JEAN MIRABELLA,

Debtor.

Case No. GK 16-01674

Chapter 13

Hon. John T. Gregg

In re:

DUSTIN M. COLEMAN,

Debtor.

Case No. GL 16-02484

Chapter 13

Hon. John T. Gregg

In re:

JESSE W. CAMPBELL and MALINDA R.  
BEAUCHAMP,

Debtors.

Case No. GL 16-02629  
Chapter 13  
Hon. John T. Gregg

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In re:

TONY I. BREEDLOVE,

Debtor.

Case No. GL 16-02858  
Chapter 13  
Hon. John T. Gregg

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In re:

RUSSELL G. SMITH,

Debtor.

Case No. GL 16-03020  
Chapter 13  
Hon. John T. Gregg

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In re:

SANDRA K. FRAZIER,

Debtor.

Case No. GG 16-03097  
Chapter 13  
Hon. John T. Gregg

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In re:

ADAM M. HOWARD and JENNIFER DAY-  
HOWARD,

Debtors.

Case No. GG 16-03795  
Chapter 13  
Hon. Scott W. Dales

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In re:

EZZARD C. ASKEW and LORIS ASKEW,

Debtors.

Case No. GL 16-05584  
Chapter 13  
Hon. John T. Gregg

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In re:

KRYSTAL MARIE TATE,

Debtor.

Case No. GG 16-06382  
Chapter 13  
Hon. John T. Gregg

In re:

DEBRA DOREEN GRAHAM,

Debtor.

Case No. GK 16-06383

Chapter 13

Hon. John T. Gregg

In re:

LISA G. RICH,

Debtor.

Case No. GG 17-00884

Chapter 13

Hon. John T. Gregg

In re:

CHRISTOPHER KIGGINS and CYDNI  
KIGGINS,

Debtors.

Case No. GK 17-00016

Chapter 13

Hon. John T. Gregg

In re:

JOHN E. SHERMAN, SR. and BETHANY  
SHERMAN,

Debtors.

Case No. GL 17-00615

Chapter 13

Hon. John T. Gregg

In re:

WILLIAM R. HALL,

Debtor.

Case No. GL 17-01533

Chapter 13

Hon. John T. Gregg

In re:

BRADLEY HIEBERT,

Debtor.

Case No. GL 17-00903

Chapter 13

Hon. John T. Gregg

In re:

INGRID M. ABEN,

Debtor.

Case No. BG 16-00635

Chapter 13

Hon. James W. Boyd

In re:

MARK LOWE and SHERI L. LOWE,

Debtors.

Case No. BG 16-05880

Chapter 13

Hon. James W. Boyd

In re:

KIMBERLY SUE STEFFES,

Debtor.

Case No. BG 16-01040

Chapter 13

Hon. James W. Boyd

In re:

TODD ALAN BOWMAN and LISA MARIE  
BOWMAN,

Debtors.

Case No. BT 16-02304

Chapter 13

Hon. James W. Boyd

In re:

MICHAEL D. O'BYRNE and  
MARGARET A. O'BYRNE,

Debtors.

Case No. BG 16-03361

Chapter 13

Hon. James W. Boyd

In re:

MICHAEL ALAN SEELEY and STACEY  
ANN SEELEY,

Debtors.

Case No. BT 16-04141

Chapter 13

Hon. James W. Boyd

In re:

RENEY C. KEMPTON,

Debtor.

Case No. BG 16-05486

Chapter 13

Hon. James W. Boyd

In re:

ANGELA MCELHINNY,

Debtor.

Case No. BG 17-01028

Chapter 13

Hon. James W. Boyd

In re:

TODD H. RITTER,

Debtor.

Case No. BT 16-04595

Chapter 13

Hon. James W. Boyd

In re:

JENNIFER ANN MOFFIT,

Debtor.

Case No. BT 16-05469

Chapter 13

Hon. James W. Boyd

In re:

KELLY J. COOPER,

Debtor.

Case No. BG 16-06022

Chapter 13

Hon. James W. Boyd

In re:

BRIAN LEE ELLIOTT,

Debtor.

Case No. BT 17-01029

Chapter 13

Hon. James W. Boyd

ORDER

On June 29, 2017, David G. Lutz<sup>1</sup> presented for filing with the Clerk of the United States Bankruptcy Court a document entitled “Verified Motion for Relief from Orders” (the “Verified Motion”). The Verified Motion bears a caption similar to that of the Suspension Order, rather than the caption of any specific bankruptcy case, and therefore may be read as seeking relief from the sanctions imposed by the United States District Court. On the other hand, the Verified Motion may also be read as seeking relief from recent decisions of the United States Bankruptcy Court

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<sup>1</sup> The United States District Court recently suspended Mr. Lutz as a member of the bar of this Court. *See* Opinion and Order Imposing Suspension With Sanctions, Adm. Order 17-AD-064 (W.D. Mich. May 15, 2017) (the “Suspension Order”).

requiring Mr. Lutz to disgorge fees under 11 U.S.C. § 329. The document's intended audience is not clear.

Moreover, the Verified Motion fails to identify any particular case except by reference to several debtors' last names within an exhibit to the Verified Motion. *See* Fed. R. Bankr. P. 9009; LBR 9004. The improper caption (referring to the United States District Court and the disciplinary proceeding) and the omission of any specific bankruptcy case information constitute formal defects, at least insofar as Mr. Lutz seeks relief from the United States Bankruptcy Court. Although the Clerk is not generally authorized to reject formally defective petitions and other papers, Fed. R. Bankr. P. 5005(a)(1), the Court itself has this authority, and will exercise it.

Even forgiving these formal defects, the record does not establish that Mr. Lutz served the Verified Motion on interested parties who may be affected by the relief it seeks. *See* Fed. R. Bankr. P. 9003.<sup>2</sup> Therefore, the Court cannot grant the relief as Mr. Lutz requests in the Verified Motion consistent with basic notions of fairness and due process.

If Mr. Lutz intends to seek relief from the United States District Court's Suspension Order, he should file a motion with that court; if he intends to seek relief from orders entered in any of the above-referenced cases, he should file and serve an appropriate, particularized motion in each case in which he intends to challenge or modify a disgorgement order.

For the foregoing reasons, the Court will take no further action in response to the Verified Motion. The judges of this Court all concur. 28 U.S.C. § 154(a).

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<sup>2</sup> Mr. Lutz arguably seeks relief affecting his former clients who are now entitled to refunds of all or some portion of fees they paid him in connection with their bankruptcy cases, yet he has not provided proof of service of the Verified Motion on those former clients, or even the United States Trustee who successfully sought the refunds on their behalf.



NOW, THEREFORE, IT IS HEREBY ORDERED that the Clerk shall refuse to accept the Verified Motion for filing, except that a copy of that document shall be entered for reference and record purposes only in the docket of *Corey M. Nord*, Case No. DK 17-02245.

IT IS FURTHER ORDERED that the Clerk shall enter this Order in the docket of each of the above-referenced cases, and serve the same upon the United States Trustee and David G. Lutz by first class U.S. Mail.

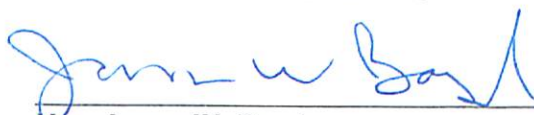
Date: JUL 11 2017

  
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Hon. Scott W. Dales  
Chief United States Bankruptcy Judge

Date: 7-11-17

  
\_\_\_\_\_  
Hon. John T. Gregg  
United States Bankruptcy Judge

Date: 5-8-11, 2017

  
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Hon. James W. Boyd  
United States Bankruptcy Judge